

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance. The present remarks are being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-10 are pending in this application. Claims 1, 8 and 10 are independent. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112.

Claims 1, 2 and 5-8 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Pub. No. 2002/0041667 to Gamble (hereinafter, merely "Gamble").

Claims 3, 4, 9 and 10 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gamble in view of U.S. Patent No. 6,351,762 to Ludwig, et al. (hereinafter, merely "Ludwig").

Applicants respectfully submit that Gamble has a filing date of March 9, 2001, which is not before the priority date of the present application, which is entitled to the benefit, under 35 U.S.C. §119, of Japanese application P2001-066755 filed on March 9, 2001 in Japan. Applicants submit herewith a certified translation of the priority document.

Applicants further note that Gamble (2002/0041667) is a continuation-in-part of Gamble (USPN: 7,068,776). However, the portions of Gamble (2002/0041667) relied on by the Office Action are not disclosed in Gamble (USPN: 7,068,776). Therefore, the portions of

Gamble (2002/0041667) relied on by the Office Action are not entitled to the priority date of the parent application.

Accordingly, Applicants submit that Gamble (2002/0041667) is not prior art and thus all of the outstanding rejections based upon Gamble (2002/0041667) in the outstanding Office Action are overcome.

Furthermore, although Applicants have asserted that Gamble (2002/0041667) is not an effective reference against the present application, such assertion is not a representation concerning distinctions and/or similarities between the present application and Gamble (2002/0041667). Applicants reserve the right to traverse any further rejection that may be presented.

Therefore, Applicants submit that claims 1-10 are patentable.


CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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